

DAILY DIGEST

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**Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

NEWS RELEASES

FCC RELEASES FIBER DEPLOYMENT UPDATE. CCB Contact: Jonathan Kraushaar at (202) 418-0947 or (202) 418-0940; TTY (202) 418-0484.

FCC FILINGS. OPA. Internet URL: <https://www.fcc.gov/Bureaus/Miscellaneous/Filings/fl980904.html>

OPEN PROCEEDINGS. OPA Contact: Martha Contee, Public Service Division at (202) 418-0260; TTY (202) 418-2555. Internet URL: <https://www.fcc.gov/oproceed.html>

PUBLIC NOTICES

Released: September 4, 1998. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG - SEPTEMBER 3. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/Tariffs/combined/tt090398.pdf

Report No: 3652. Released: September 4, 1998. CABLE SERVICES BUREAU ACTION.

Report No: SAT-00001. Released: September 4, 1998. SATELLITE POLICY BRANCH INFORMATION - RE: SATELLITE APPLICATIONS ACCEPTED FOR FILING. Internet URL: https://www.fcc.gov/Bureaus/International/Public_Notices/1998/pnin8221.pdf

Report No: 44320. Released: September 4, 1998. BROADCAST ACTIONS. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Actions/ac980904.txt

Report No: 24320. Released: September 4, 1998. BROADCAST APPLICATIONS. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap980904.txt

Report No: 339. Released: September 4, 1998. MASS MEDIA BUREAU CALL SIGN ACTIONS. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Call_Sign_Changes/pnmm8133.wp

Released: September 4, 1998. EX PARTE PRESENTATIONS AND POST-REPLY COMMENT PERIOD FILINGS IN PERMIT-BUT-DISCLOSE PROCEEDINGS. Contact: Barbara Lowe, Office of the Secretary at (202) 418-0310. Internet URL: https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/Exparte/1998/ex980904.html

TEXTS

THE WESTERN UNION TELEGRAPHY COMPANY. Granted The Western Union Telegraph Company's (now known as New Valley Corporation) motion to dismiss its formal complaints against New York Telephone Company, New England Telephone and Telegraph Company, and Bell Atlantic Corporation Telephone Company re: defendants' rates for voice grade channel termination; dismissed complaints with prejudice; terminated proceeding. Action by Chief, Formal Complaints and Investigations Branch, Enforcement Division. Adopted: September 3, 1998. by Order. (DA No. 98-1789). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da981789.wp

JERRY SZOKA, CLEVELAND, OH. Ordered Jerry Szoka to cease and desist from making radio transmissions within the United States unless and until he first obtains a license or waiver from the FCC. Found Jerry Szoka liable for monetary forfeiture in the amount of \$11,000 for operating an unauthorized broadcast station in violation of Section 301 of the Communications Act of 1934, as amended - constituting an Order of Forfeiture in the amount of \$11,000. Dkt No.: CI-B 98-48. Action by Chief Administrative Law Judge Joseph Chachkin. Adopted: September 2, 1998. by Summary Decision. (FCC No. 98D-3). CIB

TIME WARNER CABLE. Granted complaint filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Staten Island, NY. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1760). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981760.wp>

TIME WARNER CABLE. Granted complaint filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Northern Manhattan, New York City, NY. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1761). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981761.wp>

TIME WARNER CABLE. Granted complaint filed against Time Warner Cable's programming services tier rate in Durham, NC. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1768). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981768.wp>

TIME WARNER CABLE. Denied complaints filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Binghamton and Endicott, NY. Granted in part operator's Petitions for Reconsideration of DA 97-1077 and DA 97-1121. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1769). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981769.wp>

TIME WARNER CABLE. Granted complaint filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Ogdensburg, NY. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1771). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981771.wp>

COMCAST CABLEVISION. Granted complaints filed against Comcast Cablevision's April 1, 1998, cable programming services tier rate increase in Signal Mountain, TN. Action by Deputy Bureau Chief. Adopted: August 31, 1998. by Order. (DA No. 98-1754). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981754.wp>

FALCON CABLE SYSTEMS. Granted complaints filed against Falcon Cable Systems' January 13, 1998, cable programming services tier rate increase in various communities in Monterey County, CA. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1766). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981766.wp>

FALCON CABLE SYSTEMS. Granted complaints filed against Falcon Cable Systems' January 13, 1998, cable programming services tier rate increase in various communities in Monterey County, CA. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1767). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981767.wp>

CABLEVISION OF THE MIDWEST, INC. Granted petition for determination of effective competition filed by Cablevision of the Midwest, Inc. finding that it is subject to effective competition in Westlake, Ohio, because of the presence of the cable service of Ameritech New Media in that city. Action by Bureau Chief. Adopted: September 2, 1998. by MO&O. (DA No. 98-1775). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981775.wp>

SUBURBAN CABLE TV CO., INC. Granted complaint filed against Suburban Cable TV Co., Inc.'s rate increase for cable programming services tier in Perkasi, PA. Action by Deputy Bureau Chief. Adopted: August 31, 1998. by Order. (DA No. 98-1758). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981758.wp>

ADELPHIA CABLE COMMUNICATIONS. Granted complaint filed against Adelphia Cable Communications' January 1, 1998, rate increase for cable programming services tier in Lynchburg, VA. Granted in part operator's Petition for Reconsideration of DA 97-1719. Action by Deputy Bureau Chief. Adopted: August 31, 1998. by Order. (DA No. 98-1757). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981757.wp>

SUBURBAN CABLE TV COMPANY, INC. Granted complaint filed against Suburban Cable TV Company, Inc.'s February 1, 1998, cable programming services tier rate increase in Upper Makefield Township, PA. Action by Deputy Bureau Chief. Adopted: September 1, 1998. by Order. (DA No. 98-1764). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981764.wp>

COMCAST CABLEVISION OF CAROLINA, INC. Granted complaints filed against Comcast Cablevision of Carolina, Inc.'s March 7, 1995, cable programming services tier rate increase in Mt. Pleasant, SC. Action by Deputy Bureau Chief. Adopted: August 31, 1998. by Order. (DA No. 98-1753). CSB Internet URL:

<https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981753.wp>

TCI CABLEVISION OF OAKLAND COUNTY, INC. In October 1997, the City of Troy, Michigan, filed a Petition for Partial Reconsideration of the Commission's Order in TCI Cablevision of Oakland County, Inc., Petition for Declaratory Ruling, Preemption and Other Relief Pursuant to 47 U.S.C. Sections 541, 544(e) and 253, CSR-4790, MO&O, FCC 97-331 (released September 19, 1997). The Commission concludes in this Order on Reconsideration that the City has not shown that reconsideration of the Troy Decision's conclusion that the City had violated section 621(b)(3)(B) by seeking to impose a "not for telecommunications purposes" condition on certain TCI cable construction permits is warranted, and denies the the City of Troy's request for Partial Reconsideration. Action by the Commission. Adopted: August 31, 1998. by Order on Recon. (FCC No. 98-216). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/fcc98216.wp>

TIME WARNER CABLE. Denied complaint filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Southern Manhattan, New York City, NY. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: September 2, 1998. by Order. (DA No. 98-1779). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981779.wp>

TIME WARNER CABLE. Denied complaints filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Laurens and Oneonta, NY. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: September 2, 1998. by Order. (DA No. 98-1780). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981780.wp>

TIME WARNER CABLE. Denied complaints filed against Time Warner Cable's January 1, 1998, rate increase for cable programming services tier in Western Brooklyn and Eastern, Western and Southern Queens, NY. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: September 2, 1998. by Order. (DA No. 98-1781). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981781.wp>

TIME WARNER CABLE. Granted complaint filed against Time Warner Cable concerning its charges for cable programming service tier in Pleasant Prairie, WI. Amount of refund determined to be de minimis. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: September 2, 1998. by Order. (DA No. 98-1782). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981782.wp>

MEDIAONE OF OHIO, INC. Denied complaint filed against MediaOne of Ohio, Inc.'s January 1, 1998, cable programming service tier and limited plus rate increases in Painesville, OH. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: September 2, 1998. by Order. (DA No. 98-1783). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981783.wp>

MEDIAONE OF OHIO, INC. Granted complaint of SAH Acquisition Corporation II for must-carry of WOAC-TV, Canton, Ohio. Action by Acting Chief, Consumer Protection and Competition Division. Adopted: September 2, 1998. by MO&O. (DA No. 98-1784). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981784.wp>

COMCAST CABLEVISION OF NEW HAVEN; GROTON; AND CLINTON, INC. Dismissed cost-of-service consolidated appeal of six local rate orders issued by the State of Connecticut Department of Public Utility Control. This dismissal order was issued pursuant to a stipulation entered into by the cable operator and the local franchising authority. Action by Acting Chief, Consumer Protection and Competition Division. Adopted: September 2, 1998. by Order. (DA No. 98-1773). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981773.wp>

ERRATUM - ASSESSMENT AND COLLECTION OF REGULATORY FEES FOR FISCAL YEAR 1998. Amended Attachments F, G, and H in the Report and Order released June 16, 1998, FCC 98-115. Dkt No.: MD-98-36. Action by Managing Director. Adopted: September 4, 1998. by Erratum. OMD Internet URL: <https://www.fcc.gov/Bureaus/Miscellaneous/Orders/1998/err98115.wp>

ADDENDA: The following items, released September 3, 1998, did not appear in Digest No. 171:

NEWS RELEASES

INTERNET OVER CABLE: DEFINING THE FUTURE IN TERMS OF THE PAST - FCC STAFF WORKING PAPER ON REGULATORY CATEGORIES AND THE INTERNET. The FCC's Office of Plans and Policy released a staff working paper analyzing the policy issues raised by the delivery of Internet-based services over cable television systems.. News Media Contact: Morgan Broman (202) 418-2358. Contact: CSB: Barbara Esbin at (202) 418-7200; OPP: Robert pepper at (202) 418-2030; TTY: (202) 418-7172. Internet URL: https://www.fcc.gov/Bureaus/OPP/News_Releases/1998/nrop8001.html

INTERNATIONAL ACTION - THE UNITED STATES AND CANADA AGREE ON CONDITIONS FOR IMPLEMENTATION OF U.S. SATELLITE DIGITAL AUDIO RADIO SERVICES (DARS) AND CANADIAN TERRESTRIAL DIGITAL RADIO BROADCAST SERVICES (T-DRB) ALONG THE U.S./CANADA BORDER AREA. Report No: IN 98-50. IB Contact: Ronald Repasi at (202) 418-0768, Rosalee Chiara at (202) 418-0754 or Larry Olson at (202) 418-2142. Internet URL: https://www.fcc.gov/Bureaus/International/News_Releases/1998/nrin8031.wp

PUBLIC NOTICES

Released: September 3, 1998. GTE TELEPHONE OPERATING COMPANIES TRANSMITTAL FCC NO. 1148 - PLEADING CYCLE. Granted GTE's request for an extension of time until September 8, 1998 to file its Direct Case. Pleadings responding to GTE's Direct Case due September 18; GTE's rebuttal due September 23. (DA No. 98-1793). Dkt No.: CC- 98-79. Contact: Joi Nolen, Competitive Pricing Division at (202) 418-1537; TTY: (202) 418-0484.

Released: September 3, 1998. REQUEST BY BELL ATLANTIC-MASSACHUSETTS FOR LIMITED MODIFICATION OF LATA BOUNDARY TO UNIFY THE TOWN OF ERVING, MASSACHUSETTS IN A SINGLE LATA. On September 2, 1998, Bell Atlantic-Massachusetts filed a petition requesting a LATA boundary modification to unify the Town of Erving, Massachusetts, currently bisected by the LATA 126/128 boundary. Comments concerning this matter due September 17; replies October 1. Contact: Alan Thomas, Network Services Division at (202) 418-2338. Internet URL:

https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/pncc8020.wp

Released: September 3, 1998. PLEADING CYCLE ESTABLISHED FOR COMMENTS ON US WEST'S EX PARTE SUBMISSION CONCERNING THE PETITION FOR PREEMPTION, DECLARATORY RULING, AND INJUNCTIVE RELIEF FILED BY MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. - CC DOCKET NO. 98-84. On June 2, 1998, McLeodUSA Telecommunications Services, Inc. filed a petition pursuant to section 253 of the Communications Act, as amended, seeking preemption, declaratory ruling and injunctive relief regarding an order of the Nebraska Public Service Commission that allowed US WEST to withdraw Centrex service. On August 21, 1998, US WEST filed an ex parte submission indicating that the Supreme Court of Nebraska has recently reversed and remanded the Nebraska Commission's Order and directed the Nebraska Commission to dismiss the underlying complaints for lack of standing. The Commission seeks comments on US WEST's ex parte submission. Comments due September 24; replies October 5. (DA No. 98-1792). Contact: Janice Myles, Policy and Program Planning Division at (202) 418-1577. Internet URL:

https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da981792.wp

Report No: 24319B. Released: September 3, 1998. BROADCAST APPLICATIONS. Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/pnmm8135.wp

SPEECHES

""KEEPING THE LOCAL IN LOCAL RADIO"" - REMARKS OF FCC COMMISSIONER GLORIA TRISTANI BEFORE THE TEXAS BROADCASTERS ASSOCIATION, SEPTEMBER 3, 1998. Internet URL:

" <https://www.fcc.gov/Speeches/Tristani/spgt811.html>